

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DUWANE SHACKELFORD,	§	
TDCJ-CID NO. 1595338,	§	
Petitioner,	§	
v.	§	CIVIL ACTION NO. H-12-0789
	§	
RICK THALER,	§	
Respondent.	§	

ORDER

Petitioner seeks federal habeas relief from a 2008 sexual assault conviction in the 263rd Criminal District Court of Harris County, Texas. The Court has ordered respondent to answer; the Court has also denied petitioner an evidentiary hearing subject to reconsideration upon review of respondent's answer. (Docket Entry No.11).

Respondent has filed the state court records in this case, and seeks an extension to file his answer. (Docket Entries No.15, No.16). Finding that Respondent's First Motion for Extension of Time was filed in good faith and without opposition, the Court GRANTS such motion for an extension of time to respond. (Docket Entry No.15). Respondent shall file a response no later than *January 21, 2013.* ~~December 21, 2012.~~ No further extensions will be granted without just cause.

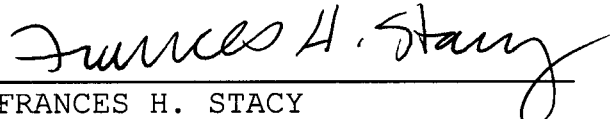
Petitioner has filed two motions, which the Court will deny. Petitioner's motion for an evidentiary hearing (Docket Entry No.14) is DENIED, subject to reconsideration upon review of respondent's answer. His request for a status update (Docket Entry No.14) will be served by receipt of this Order.

Likewise, petitioner's motion for temporary relief under Rule

23 of the Federal Rules of Appellate Procedure (Docket Entry No.17) is DENIED. No order has been entered granting or denying petitioner release in a habeas corpus proceeding; therefore, no such order is pending review that would give rise to the temporary relief under Rule 23 of the Federal Rules of Appellate Procedure.

The Clerk will provide copies to the parties.

SIGNED at Houston, Texas, on December 31, 2012.


FRANCES H. STACY
UNITED STATES MAGISTRATE JUDGE